



AGENDA
Committee on Public Safety
Friday, July 22, 2016 @ 3:30 p.m.
City Council Chambers, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

1. **Call to Order**
 2. **Roll Call**
 3. **Minutes**
 - July 8, 2016
 4. **Public Comment on Agenda Items**
 5. **Discussion/Action:**
 - A.) Ingham Prosecutor Gretchen Whitmer
 - B.) DISCUSSION – Medical Marihuana Licensing Ordinance
 6. **Other**
 7. **Adjourn**
-
- Pending – Continued discussion regarding 3200 S. Washington
 - Pending – Discussion regarding lead



COMMITTEE

on Public SafetyDATE 7/22/16

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Mike Barron Got meds	3405 S Cedar St Lansing MI	Got meds too@gmail	Got meds	517 253 7468
Shannon Grossman	2431 Radford 48911			
Joshua M. Covert	3452 E. Lake Lansing E. Lansing MI 48923	Jcovert@nicholslaw.net	Michigan Cannabis Defender	517-432-9000
TEISHA DOYLE	505 LESLIE ST LANSING	tiheartlandhemp@gmail.com		330 479 6066
Joe Smith	Lansing			(517) 977-5827
Ken Gay	668 Cass St Lansing			
Plaine Womboldt	4815 Treasa Dr LANSING MI	emwomboldt@comcast.net	Rejuvenating SLANSing	393-0317
Pat & Deb Mason	15073 Classic Dr. Bath	perndlm2@gmail.com		517-641-4016
Nick Calkins	3452 E. Lake Lansing East Lansing, MI 48923	ncalkins@nicholslaw.net	clintele	517-432-9000
Harold Taylor	221 W. Main St 48906	HAT48906@gmail.com		517-241 3674
Mary Ann Prince	2116 Fern St 45115 Pennsylvania Ave	none	RJSLQ ward 3	394-1196
John Dingo	Lansing, MI 48910	georgeburns94@yahoo	Lay Deezs herbs	727-479-3438
Paul Weisberger	1100 W. Maple TROY MI 48064	paulweisberger@wilzbiller.com		
Ryan Moloney	903 E. Grand River	ryanm@alefmeds.com		



MINUTES
Committee on Public Safety
Friday, July 22, 2016 @ 3:30 p.m.
City Council Chambers, 10th Floor City Hall

CALL TO ORDER

The meeting called to order at 3:31 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member-absent

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney
Gretchen Whitmer, Ingham County Prosecutor
Council Member Spitzley
Lisa McCormick, Chief Assistant Prosecutor
Mike Barron
Shannon Grossman
Joshua Covert
Teisha Doyle
Joe Smith
Ken Gay
Elaine Womboldt
Pat Mercer
Deb Mercer
Nick Calkins
Harold Taylor
Mary Ann Prince
John Dinaso
Paul Weisberger
Ryan Moloney
Steve Green
David Brogren
Carol Siemon
Ron Hazel
Brand Joansen
Latasha Turner
Eileen Rohrbach

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 8, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Discussion/Action:

Councilmember Wood introduced Prosecutor Ms. Whitmer and Assistant Prosecutor Ms. McCormick. Noted that the State Statute falls under the Ingham County Prosecutor, and any public questions after Ms. Whitmer presentation should be directed directly to her office.

Ingham County Prosecutor Gretchen Whitmer

Ms. Whitmer acknowledged the Committee for their work. Ms. Whitmer quickly referenced a recently released report from her office on due diligence in her office.

Ms. Whitmer spoke briefly on the role her office takes with the enforcement of the Michigan Medical Marihuana Act, noting it was founded in the State Leadership in 2008, and since then the Attorney General has not made steps to make sure the rules are clear. Her role when she was in the legislation was supporting the frame work to clarify the gray areas. Now as Ingham County Prosecutor Ms. Whitmer stated her hopes for a program to work for users and Caregivers. If the House passes a law it could help end court cases that have been circulating since 2008.

Ms. Whitmer's belief was that ideally there should be one set of rules and standards, but they have yet to see that. Ms. Whitmer outlined her role, not as a legislature, or citizen but as Ingham County Prosecutor. Currently there appears to be confusion on the role of the Prosecutor office, and some comments during the recent debates might make it confusing. So Ms. Whitmer clarified by stating for the Committee and public that the Prosecutor Office is to determine if after an investigation and charge are brought to her office whether there is sufficient evidence to go forward to court. Ms. Whitmer clarified a comment made during the recent debates that "the prosecutor is not prosecuting cases brought to their office dealing with Medical Marijuana". If the investigation yields charges the Prosecuting Office does go forward and prosecute, and they are currently actively prosecuting tow cases.

The Prosecutors role is not to tell law, or do the investigation, but once those happen, it is up to her office to do judicial work and make sure it goes forward. Ms. McCormick outlined on a day to day task, if someone is arrested or an investigating complaint causes for a warrant, they will be brought the warrant arrest and charges. They will then review the police report and determined what charges are appropriate, if any. Their office will look at the facts of the case, search and seizure and the number of issues. The only interesting issue is the transporting of marihuana because there is the statute that says you can't, and then there is medical marihuana. There is a statute in place and the Michigan Medical Marijuana Act in place. The Prosecutors office has decided not to bring cases for transport since the courts are split across the State on their interpretation. There are 6 District Courts and 3 Circuit Courts, who say the State stature is valid, and 6 District Courts and 2 Circuit Courts who have ruled it to be unconstitutional. The Prosecutors office is always watching case law. It is pending in the Court of Appeals, and once the Court of Appeals gives guidance then they will follow the decision of that court.

Councilmember Wood asked about the 2011 City Ordinance that was ceased when the McQueen decision came down that stated dispensaries were deemed illegal and should be closed and no licenses were issued. The public is asking now why are they opening again. Ms. McCormick noted their office does not investigate the dispensaries; they work with what law enforcement brings them. Their office has not seen a single case from the LPD since 2011. Ms. Whitmer clarified that this helps clarify that the LPD has had no charges. It is an

investigation by LPD that moves a case forward to the prosecutor office. Ms. Whitmer concluded that had done a ride along with the LPD and clearly understands the pressures they are under and making decisions on how use their resources.

DISCUSSION – Medical Marihuana Licensing Ordinance

Councilmember Wood stated that the LPD will be on the agenda for the August 5, 2016 meeting regarding their annual report. At that time they will also be asked if they have additional information based on the recent update from the Ingham County Prosecutor. The Committee meeting on July 29, 2016 will be held at 2 p.m. where they will continue the discussion the Medical Marihuana Ordinance.

Mr. Smiertka began the overview, noting that the ordinance was not for neighborhoods or enforcing in the neighborhoods this is for the commercial businesses. Law is still working on data for a future meeting to address issues in the neighborhoods. They currently have set up a process to deal with those complaints individually.

Mr. Smiertka moved on into the history of the Draft #4 ordinance, affirming Law had reviewed cases, news articles, minutes from these Committee meetings, met with the LPD and interest groups. The group was reminded that the Legislators have to deal with this issue as well, and this draft ordinance will deal with commercial and industrial districts. The overview of the ordinance will show it is a licensing ordinance that requires a license for an establishment/facility to regulate 4 types. Those include provisioning centers, grower facilities, compliance facilities and processor facilities. These are all defined in the ordinance and all require an annual license. The ordinance will also provide for secure transporter which currently has a place holder in the ordinance, but nothing regulate yet. Some of these references in the ordinance are currently NOT LEGAL under State Law. By including them now if the State makes changes it will be easier for us to move forward with the licensing of them.

The Ordinance creates a Medical Marihuana Commission of 5 members appointed by the Mayor and confirmed by Council. The members will consist of 1 from a neighborhood association, one from a patient advocacy organization, the Director or designee from Planning and Neighborhood Development, and two from the general population. The LPD and LFD Chief's will have ex officio non-voting memberships. This Commission will review all applications for licenses under this ordinance which have 20 measurements to evaluate by the Commission. Once met and they decide to issue a Certificate of Approval, then the City Clerk will issue the license. Applicant fee involved in the ordinance include a required \$5,000 application fee. If they are denied by the Commission or the Clerk the applicant will receive \$2,500 back. The Ordinance also requires a fee of \$10,000 for an annual license fee, with \$10,000 annual renewal. These fees are related to the effort in enforcement, maintaining licenses and records, monitoring, etc.

Another requirement in the establishment is they cannot put up a tent this must be a building, and they must have roots in the community. Requirements in vetting a business will include they must have \$50,000 in tangible assets and liquid assets, to assure they have capital to make a sound business. The ordinance has criteria requirements, applications, a process, a Commission that can propose rules and regulations for future adoption by Council at a later date. For those businesses in business today, they will not be grand fathered, instead they will have 30 days from adoption of this ordinance to apply for a license. If they apply for a license there will be no enforcement on them while the license is pending. If they are denied

they will have 30 days to close, if they do not they will be deemed a public nuisance and enforceable under that. It must be noted that this is not the Zoning Ordinance; Zoning is already in place that says where they can be located so there is no need to address property in this ordinance. The only notes in this Ordinance are distances from churches and schools

Mr. Smiertka continued speaking on the quotas, which in the Ordinance there are none noted. In dealing with a quota they are looking at a quota in connection with the MMMA and its broad extension for Caregivers and patients, which they say they can't deny. After Law looked at it all together, they deemed that a quota should not be place. Secondary, Mr. Smiertka noted that with the vetting in the Ordinance having stringent criteria, only those in safe zones will matter. Mr. Dotson added to the presentation that the ordinance contains reference to processes for facilities, growers and dispensaries. Currently the MMMA is silent on businesses or entities that might be allowed by State law; they speak to Caregivers to patients. In all the research, "collecting" referred to establishments, and therefore the City has to be consistent with the MMMA. The Ordinance has been drafted so that if the MMMA amends, this will also amend with the MMMA.

Councilmember Wood started the review of the document by the Committee on page 2 of the Draft #4 dated July 21, 2016 lines 1-10 which is 1300.1 Legislative Intent. Mr. Smiertka clarified that the Ordinance is written that it will provide for a license now no matter what the State does. There will be a licensing requirement for each facility, however if someone is in operation now or intends to they have to file an application and obtain a license. They cannot violate Federal laws. Councilmember Hussain noted that the language appears to be convoluted and difficult to follow, asking if it is enforceable today, also what does "commercial grow" in terms of if the MMMA does not have it as permissible, what does it look like that would comport with the State law. Lastly, Councilmember Hussain asked for the specifics on why we would issue a license. Mr. Smiertka referred Councilmember Hussain to page 4, which defined "Grower Facility", which states "Also knowns as Medical Marihuana Cultivation Facility, means a commercial entity located in the City that is licensed by the State, (To the extent one is required) and his license from the City, that cultivates, dries, trims or cure and packages marihuana in accordance with State law." Mr. Smiertka noted that there are discussions at the State which could end up law, so instead of rewriting the Ordinance, the Ordinance is written to cover it, but it doesn't mean they will get a license. Mr. Dotson added that the MMMA as written is unclear on the license. I allow a Caregiver to grow only in confirmation with MMMA, which is the same for processors, dispensaries, and compliance centers. Everything is contingent, regardless of the label placed, with the requirements of the MMMA. The MMMA is silent on how this dispensing is to take place; it does not talk about "growers", just "growing". There is nothing in the Ordinance on this; you just have to conduct yourself consistent with the State law. Any activity inconsistent with the MMMA, the Commission will deny the licensing application. The applicant must comport with State and City law.

Councilmember Wood asked for the definition on "growing" because in the past Committee was told someone with 72 plants did not need a permit, now Law is saying any "growing" needs a license. Mr. Dotson stated that would be classified as a "commercial grower", and they have to be consistent with MMMA.

Councilmember Spitzley asked if the ordinance is proposing placing these establishments where there are caregivers on site in locations with a regulatory structure or frame work. Mr. Smiertka confirmed. Councilmember Spitzley then asked if with recent court action, a qualified patient can grow in their home and the City cannot regulate, and Mr. Smiertka confirmed that. Councilmember Spitzley then asked if the City was trying to regulate the locations. Mr. Smiertka led the conversation to the focus on the centers themselves. Those

require an application for a license for a center thru the Commission. If they do not get a license, then they have to cease and then becomes public nuisance. The other things speak to the activities going on and currently under discussion at the State level. When the State decides, the ordinance is written so that the City will be covered without having to amend the ordinance.

The Committee moved onto page 2, lines 14-28. Mr. Smiertka noted these definitions were based on MMMA and the law. The MMMA will supersede this ordinance, so if it is a violation of MMMA they will not be in compliance with the City. No comments on the wording.

Page 2, lines 30-45. Mr. Smiertka summarized these lines stating that all activities have to be in compliance with the State rules. Lines 38-45 states there is no “non-conforming action”.

Councilmember Hussain asked why the items are listed in the “Intent: then again in the definitions. Mr. Smiertka stated the “Intent” is the general language and the definitions will define the term.

Page 3 lines 1-16. Mr. Smiertka outlined the definition for “Building” noting that the license is only for the building as defined. Councilmember Spitzley noted her concern with a “building” being also labeled a residence, which she was not in favor of. She then referred to page 18 (3) of the Ordinance which spoke to activity indoors. Mr. Smiertka admitted that the definition of “building” could include a residence as a structure, but there are a specific set of exceptions that speak to private garages on residential properties. Mr. Smiertka referred everyone to the paragraph on regulations, and reminded them that there is nothing in the ordinance that say it can be in a residentially zoned area.

Page 3 lines 17-24. The group discussed “Cultivation” or “Cultivate” with Mr. Smiertka noting it is “to the extent permitted by the MMMA, if at all,”. He also added that on line 36-38, “Disqualifying Felony” is wording directly out of the MMMA.

Page 4 lines 1-14. Discussion was held on this definition on “Medical Marihuana Provisioning Center” with no changes.

Page 4, lines 15-29 no comments.

Page 5, lines 1-19. Noted there was a typo in line 5, “accordance”. No other comments.

Page 5, lines 20-28 no comments.

The Committee will continue review at the meeting on July 29th on line 29 of Page 5.

PUBLIC COMMENT

Councilmember Wood called out names from the sign in sheets, at which point some members on the list chose not to speak at this time.

Ms. Womboldt asked for a change to the ordinance to the section on the Commission requesting Council appoint the members, not the Mayor.

Councilmember Wood informed all public that if they have any questions on the ordinance to email those to Council Office Manager Sherrie Boak by July 27th. Those questions will then be forwarded to Mr. Smiertka, City Attorney.

Ms. Mercer spoke in opposition to not have a quota on the number of dispensaries.

Mr. Dinaso had no comments but asked for a private meeting with Council.

Mr. Moloney questioned the 1,000 ft. from day care, and asked if the facility is larger, and separated by each dwelling and address, if they can have more than one facility under one roof.

Mr. Hazel spoke in opposition to the amount of the application fees, noting four years earlier it was \$1,500 and now it will total \$15,000. Mr. Hazel gave an example of three care givers at one site, totaling 20 customers and why the unreasonable requirements.

Ms. Rorbach spoke in support of a limit on the number of dispensaries in Lansing, and the current concentration of facilities in fragile areas. Secondly she spoke in opposition to Commission members appointed by the Mayor.

Ms. Turner asked for a quota on pharmacies also if there is going to be a quota on dispensaries.

Councilmember Wood noted the next meeting on the Ordinance will be Friday, July 29, 2016 at 2:00 p.m.

Mr. Soga asked if the license will be transferrable or tied to the location.

Mr. Ott spoke on concerns with the nuisances in the neighborhoods.

ADJOURN

The meeting was adjourned at 4:50 p.m.

Submitted by, Sherrie Boak,

Recording Secretary Lansing City Council

Approved: July 29, 2016



MINUTES
Committee on Public Safety
Friday, July 8, 2016 @ 3:30 p.m.
City Council Chambers, 10th Floor City Hall

CALL TO ORDER

The meeting called to order at 3:35 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney
Spike Tyler
Darren Cresian
Elvis Ott
Harold Tayler
Cindy Eltaoth
Elaine Womboldt
Robin Schneider, NPRA
Jennifer Woodwin
Mary Ellen Purificato
Mary Ann Prince
Jacob Rufenacht
Chris Riesbeck
Richard Williams

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 10, 2016 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE MINUTES FROM JUNE 27, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Council Member Wood spoke on clarification on audience protocol. It was stressed the importance of allowing each person to have their opportunity to speak without comments from the audience whether here in the chambers, the lobby or outside the building.

It was then noted that at the meeting on June 10, 2016 the Interim City Attorney Mr. Abood, indicated that based on additional research that the ordinance drafted by their office on April 22nd that it wasn't enforceable. There was a request for additional time to submit a new draft to the Committee. The Committee at that time demanded a third proposal or a process on how to close dispensaries that have opened be presented to Committee today. After the approval of Mr. Smiertka as City Attorney, he asked prior to this meeting, could Law have more time, and he was given until July 22, 2016.

Discussion/Action:

DISCUSSION – Medical Marihuana Licensing Ordinance

Mr. Smiertka acknowledged his efforts so far, and communications with Mr. Dotson who was involved in crafting the first draft. The Michigan Medical Marihuana Act only allows for a Caregiver to have five registered patients. There are cases that speak to how that can occur and not occur. There is also is a Charter provision in Lansing that allows for the possession of less than an 1 oz. on a persons' private property if they are 21 years or older. Mr. Smiertka continued by stating that when crafting the ordinance they have to find what complies with the Charter and with the Michigan Medical Marihuana Act. The Act and cases interpreted say certain things cannot occur, such as Caregiver to Caregiver and patient to patient, also Caregiver to non-registered patient transfers. Also the growing of medical marijuana which addresses that twelve plants for each of the five patients with a total of sixty plants, with provisions on location and regulations. The Act is silent however on other things such as how does it get to the location, cases where you can't have in a condo situation. Mr. Dotson added that a co-op is illegal, where care givers share product with each other, and not designated for the regular patients.

Councilmember Wood asked if a large building is secured for individual Caregivers to have their own locked area can they or cannot they have the plants there. Mr. Dotson stated if the security is independent only to that Caregiver, they can, if they are also operating consistent with the MMA. It violates the MMA if they are working out of the same building which is not secure to individual Caregiver.

Councilmember Dunbar asked if they are using storage units, locked but all in a single building if it would trigger a federal raid. Mr. Dotson replied that under Michigan law he was not aware of an opinion for that type of operation would be illegal, but not sure about Federal laws. Mr. Smiertka noted his office is still doing background work on the process, and noted in August the U. S. Government may state that medical marihuana is not under level 1 drug, so it could be in registered phase. The Michigan Legislature is working on rules to clarify. There are currently businesses with the City ordinance has a license involved and zoning restrictions. Some of those are concepts of the dispensaries so many feet separating each other. Mr. Smiertka continued that in his review of the ordinance he is trying to anticipate what the Legislature may do in the fall.

Currently right now, nuisances in the residential neighborhoods, the zoning should not allow these businesses. The intent of the next draft of the ordinance is to address this and to keep the business of marijuana out of the neighborhoods. Now the Caregiver can still have immunity as long as they comply with the State law. Currently the City Attorney office is looking at three things which include; getting an advisory board to advise the City/Council and build into the ordinance a process for rules, making it flexible when State and Federal laws change. Mr. Smiertka suggested that maybe there is an option to provide a waiver for the neighborhood uses. Lastly the question is who would issue the license. The City Attorneys' office goal is to have the draft back by the July 22 meeting.

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Mr. Dotson added they welcome any suggestions on the process, the advisory committee, registering and licensing.

Councilmember Dunbar referred back to a comment by the City Attorney where he had stated that Caregivers can do what they want as long as they comport with State law. The question then is does the State law address odor and the details of the nuisance aspect, and does Council still have the right to regulate under their ordinances to regulate noise, smell and traffic. Mr. Smiertka confirmed that Council can still address those items.

Council Member Dunbar referred back to a statement by Mr. Dotson, and asked if he was suggesting that the advisory panel/committee law is proposing would be doing the approvals of the licensing. Mr. Dotson acknowledged he was looking at a number of different models. The plan is to have the Clerk's office vet the applications to meet core requirements, then pass to respective departments. The committee would look thru information submitted to see if it meets qualifications that the committee set. The City Attorney office is trying to strike a balance that has multiple entities and criteria, then remove any doubt that the public or City may have.

Councilmember Dunbar agreed to a committee that sets standards, but not in favor of a citizen board for approvals, that sets precedence and is wrong. Legitimacy is having standard set of criteria. Mr. Smiertka clarified that that is not the intent; not to take away the legislative function of the City Council. The advisory board is a team of experts to advise the City on issues and advise on the adoption of rules to come back to. Again it was noted these discussions are all just concepts at this time.

Councilmember Hussain noted he was not in support of Mayoral appointments because the positions need to be objective, therefore he asked law if there were other models out there law can look at. Mr. Dotson confirmed there are some communities that have created committees, and those communities have been very impressive, especially those committees that are familiar with the business. There is also an assumption that there are well defined criteria that guides the committee. Mr. Smiertka stated that if there is no level of objectivity, and if they are vague or arbitrary, then the property owner and the license could open up the City for liability. The City Attorney is not in favor of a committee for committee purpose, but in this case they need experts to advise them.

Councilmember Wood asked if would be similar to the BZA, Electrical Board and Plumbing Boards. Mr. Smiertka confirmed it would be but with no powers.

Councilmember Wood voiced her concern with regard to e grandfathering or vest interest in of a business that is already open. Mr. Smiertka noted that there is a provision in the ordinance with a 30 day provision for the new license and grandfathering assumes the prior use of the business was legal.

Mr. Dotson noted if they are operating illegally they are ineligible for grandfathering. When the process starts all over again, it will be deemed everyone is illegal and shut down for that period, or another approach is to give them a window where they have to apply then the City will issue the license or deny. The draft ordinance the Committee will see next time does speak to that as well. Mr. Smiertka noted that he was not sure that currently the draft ordinance has a space differential.

Councilmember Dunbar asked if there is a window to apply, and if they have to demonstrate to comport with that to get the license, also what if there multiple businesses in one site, and they all comport with license requirements and they all fit the legal criteria, how could you choose

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which stays and which goes if they are all in compliance. Mr. Smiertka confirmed that it could be difficult but he would look into it.

Councilmember Hussain asked about any legal footing and subsequent litigation. Mr. Smiertka noted he would research and come up with the legal solution.

Councilmember Wood asked that they add to the research the issue of if they did not issue license, can the City go back to the letter from the City Attorney that stated none could be open. The research should also include information on closing during those 30 days and during that time they apply for license. Councilmember Hussain asked if there was a disciplinary time frame. Mr. Smiertka referenced the nuisance abatement.

Councilmember Wood began discussions on the creation of the advisory group. It was asked if the group of experts would be in the ordinance as part of the policies and procedures. Mr. Smiertka stated he can draft it so the direction of advisory body would be to stop the issuance or denial of license.

Councilmember Wood asked if there was any relief for violations of the home occupation ordinance. Mr. Smiertka noted that it is not the intent to have this operation as a home occupation in a neighborhood. The ordinance will be drafted to be in compliance with the Michigan Medical Marihuana Act. An operation of a provisioning center not permitted in resident district. There are other issues such as odor, traffic, noise and those are not exempt. This will not affect normal enforcement of the building code. It was noted by Law that enforcement on noxious smells and nuisance can be enforced now.

Councilmember Dunbar noted that in the ordinance, when speaking of home occupation, it is not an occupation to be a Caregiver under the law. It appears the residential traffic is related to the Caregiver use. This would be hard to regulate, and there is no legal rights to go into the property. Councilmember Wood noted for Law that the City has been using home occupation ordinance successfully in court.

The Committee will continue to review and the next step is the internal process.

PUBLIC COMMENT

Mr. Tyson spoke in support of the ability to have medical marihuana and how successful its use has been with his health problems. Mr. Tyson's issue with the ordinance is that currently it does not require them to have a carbon filter on their facility which would help the odor. Mr. Tyson concluded his opinion by stating he also is asking for the review of the dispensary locations.

Mr. Cresian spoke in support of regulations, testing facilities and education on the guidelines.

Mr. Ott spoke in opposition to a grow house in a residence. Mr. Ott also noted nuisances of smell, noise and traffic. Councilmember Wood acknowledged forwarding Mr. Ott's earlier email complaint to the Zoning department.

Mr. Taylor also spoke in opposition to grow houses in neighborhoods and the problems they cause.

Ms. Eltaoth spoke of statistics in Ingham County and asked the Committee to consider protection of all the residents in the City of Lansing. Ms. Eltaoth encouraged the Committee to consider 1,000 feet from schools, day cares, churches and also require confirmation that the

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employees cannot be convicted felons. Lastly she added should like a citizen or neighborhood leader on any advisory panel/committee.

Ms. Womboldt also asked for a neighborhood representative on the advisory panel/committee, she concluded her with her opposition to the medical marijuana without guidelines to protect all residents.

Ms. Schneider on behalf of the NPRA noted that distribution should not be taking place at the same place where it is grown, and co-ops are separate from the transfers for security reasons. Caregivers are not required to lock up their product unless they leave the site. Ms. Schneider is asking the Committee consider establishing a City Department to handle everything marijuana, setting a population cap, and required distance from schools. On the State side, the legislators have been crafting something for five (5) years, and hopefully Ms. Schneider hopes it will pass this year. Lastly, she supported neighborhood representative and law enforcement on the advisory panel/committee.

Mr. Dotson asked Ms. Schneider what her opinion on committee members placement would be, and Ms. Schneider suggested volunteers appointed by Council. Councilmember Wood stated that the City cannot create by ordinance a department with funds has not been appropriated for. It is a unfunded mandate.

Ms. Goodman spoke as the owner of a dispensary, noting she had followed all the rules and was still closed by the City. Ms. Goodman agrees to the provision of a license, but currently feels she was closed for the wrong reason. Councilmember Wood clarified to Ms. Goodman she was closed because the use did not comply with the current zoning ordinance. It is not in one of the zoning districts that this use can be in. Ms. Goodman was encouraged to provide addresses of other dispensaries she may believe are not in the correct zoning district.

Ms. Purificato acknowledged a recent situation in the Fairfield Condo Association, Beechfield where with assistance from the LPD and Council they were able to have it taken care. Once all the other sites are addressed in the association they will be changing their by-laws.

Mr. Rufenacht suggested the dispensaries provide liability insurance, business insurance, and registration.

Mr. Williams asked for enforcement of the current ordinance and spoke as a relator with concerns with the nuisance.

Mr. Riesbeck offered his assistance to the committee for expert opinion on dispensaries.

Councilmember Wood informed the public the next meeting would be July 22, 2016 and Law will have a new draft of the ordinance at that time, potentially by July 20th. Mr. Smiertka noted he would attempt to meet that deadline. Councilmember Wood noted that she has reached out to Ingham County Prosecutor Gretchen Witmer to attend the next meeting. The July 22nd meeting will also a review of the current ordinance, the nuisance ordinance, home occupation, provision centers, and abating issues that are done thru zoning. The Committee will also look into the State statute and regulations.

Councilmember Wood informed residents and the Committee of a meeting hosted by the Lansing Housing Committee on July 19th at 3200 S. Washington. Council has been invited, and she will incorporate a Committee on Public Safety at that time.

Pending

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- Pending – Continued discussion regarding 3200 S. Washington
- Pending – Discussion regarding lead

ADJOURN

The meeting was adjourned at 5:29 p.m.

Submitted by, Sherrie Boak, Recording Secretary Lansing City Council

Approved: _____

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO REPEAL
CHAPTER 878 OF THE LANSING CODIFIED ORDINANCES, PROHIBITING THE
STARTING OF NEW MEDICAL MARIHUANA OPERATIONS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 878 of the Codified Ordinances of the City of Lansing, Michigan
be and is hereby repealed in its entirety and shall be null and void and of no effect.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be
invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
other than the part so declared to be invalid.

Section 4. This Ordinance repeal shall take effect on the 30th day after enactment, unless
given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____

CITY OF LANSING, MICHIGAN
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1300 OF PART 12, TITLE 6, OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA ESTABLISHMENTS; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF LANSING; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF LANSING ORDAINS:

SECTION ONE: Chapter 1300 of Part 12, Title 6, of the Lansing Code of Ordinances is hereby amended in its entirety to read as follows:

- 1300.1 Legislative Intent
- 1300.2 Definitions, Interpretation and Conflicts.
- 1300.3 Establishment of Medical Marihuana Commission; membership; chairperson; meetings.
- 1300.4 Operation without License Prohibited.
- 1300.5 License Application Submission.
- 1300.6 License Application Evaluation.
- 1300.7 License Renewal Application.
- 1300.8 Licenses Generally.
- 1300.9 Minimum Operational Standards of Medical Marihuana Provisioning Centers.
- 1300.10 Minimum Operational Standards of Medical Marihuana Grower Facilities.
- 1300.11 Minimum Operational Standards of Medical Marihuana Safety Compliance Facilities.
- 1300.12 Minimum Operational Standards of Medical Marihuana Processor Facilities.
- 1300.13 Location of Medical Marihuana Provisioning Centers and Medical Marihuana Processor Facilities.
- 1300.14 Location of Medical Marihuana Safety Compliance Facilities and Medical Marihuana Grower Facilities.
- 1300.15 Denial and Revocation.
- 1300.16 Penalties
- 1300.17 No Vested Rights

1300.1 –LEGISLATIVE INTENT

THE PURPOSE OF THIS CHAPTER IS TO LICENSE AND REGULATE MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA COMPLIANCE FACILITIES, AND MEDICAL MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.

FOR THE PURPOSES OF THIS CHAPTER:

(A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ., AS AMENDED (“MMMA”), SHALL HAVE THE DEFINITION GIVEN IN THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH BELOW CONFLICTS WITH THE DEFINITION IN THE MMMA, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA, THEN THE DEFINITION IN THE MMMA SHALL APPLY.

(B) ANY TERM DEFINED BY 21 USC 860(E) SHALL HAVE THE DEFINITION GIVEN BY 21 USC 860(E).

(C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S RIGHTS UNDER THE MMMA. THE MMMA SUPERSEDES THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM.

(D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL MARIHUANA CULTIVATION FACILITY, SECURE TRANSPORTER, PROCESSOR OR A SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE WITH THE RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY OF LANSING, AND THE MMMA.

(E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS CHAPTER SHALL BE DEEMED TO NOT BE A LEGALLY ESTABLISHED USE AND THEREFORE, NOT ENTITLED TO LEGAL NONCONFORMING STATUS UNDER THE PROVISIONS OF THIS CHAPTER AND AND/OR STATE LAW.

(F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

“BUILDING” MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE, REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS. THIS REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT INCLUDE TENTS, SHEDS, AND PRIVATE GARAGES ON RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS, SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS OR SIMILAR STRUCTURES.

“CHAPTER” MEANS THIS CHAPTER 1300.

“CITY” MEANS THE CITY OF LANSING, MICHIGAN.

“COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER THIS CHAPTER.

“COUNCIL, OR CITY COUNCIL,” SHALL MEAN THE CITY COUNCIL OF LANSING, MICHIGAN.

“CULTIVATION” OR “CULTIVATE” AS USED IN THIS ORDINANCE SHALL MEAN (I) ALL PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST; OR (II) PREPARING, PACKAGING OR REPACKAGING, LABELING, OR RELABELING OF ANY FORM OF MARIHUANA; OR (III) TO THE EXTENT PERMITTED BY THE MMMA, IF AT ALL, THE EXTRACTION OF RESIN FROM THE MARIHUANA OR THE CREATION OF MARIHUANA INFUSED PRODUCTS FOR SALE OR PACKAGED FORM TO A MEDICAL MARIHUANA PROVISIONING CENTER.

“DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE MMMA OR OTHER APPLICABLE STATE LAW.

“MEDICAL MARIHUANA” MEAN ANY MARIHUANA INTENDED FOR MEDICAL USE THAT MEETS ALL REQUIREMENTS FOR MEDICAL MARIHUANA CONTAINED IN THE MMMA AND ANY OTHER APPLICABLE LAW.

“MEDICAL MARIHUANA COMMISSION” OR “COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3 OF THIS CHAPTER.

1
2 "MEDICAL MARIHUANA PROVISIONING CENTER" MEANS A COMMERCIAL
3 ENTITY LOCATED IN THE CITY THAT HAS A LICENSE FROM THE STATE (TO THE
4 EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT SELLS,
5 SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS,
6 ONLY AS PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING
7 CENTER, AS DEFINED IN THE MMMA, INCLUDES ANY COMMERCIAL PROPERTY
8 WHERE MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND
9 REGULATION. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER
10 TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE MMMA, CONNECTED TO
11 THE CAREGIVER THROUGH THE DEPARTMENT'S MARIHUANA REGISTRATION
12 PROCESS IN ACCORDANCE WITH THE MMMA IS NOT A MEDICAL MARIHUANA
13 PROVISIONING CENTER FOR PURPOSES OF THIS CHAPTER.

14
15 "MEDICAL MARIHUANA GROWER FACILITY," ALSO KNOWN AS "MEDICAL
16 MARIHUANA CULTIVATION FACILITY," MEANS A COMMERCIAL ENTITY
17 LOCATED IN THE CITY THAT IS LICENSED BY THE STATE, (TO THE EXTENT ONE
18 IS REQUIRED) AND HAS LICENSE FROM THE CITY, THAT CULTIVATES, DRIES,
19 TRIMS OR CURES AND PACKAGES MARIHUANA IN ACCORDANCE WITH STATE
20 LAW.

21
22 "MEDICAL MARIHUANA ESTABLISHMENT(S),"OR" ESTABLISHMENT," IS A
23 TERM USED IN THIS CHAPTER TO REFER TO ANY FACILITY, ESTABLISHMENT
24 AND/OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER
25 INCLUDING A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL
26 MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR FACILITY
27 AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

28
29 "ORDINANCE" MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

30
31 "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
32 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
33 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

34
35 " LICENSE APPLICATION" REFERS TO THE REQUIREMENTS AND PROCEDURES
36 SET FORTH IN SECTIONS 1300.5 AND 1300.6.

37
38
39 "PROCESSOR" OR "MEDICAL MARIHUANA PROCESSOR FACILITY" MEANS A
40 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT HAS A LICENSE ISSUED BY
41 THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE
42 CITY, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A
43 MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW.."

44
45 "SAFETY COMPLIANCE FACILITY" OR "MEDICAL MARIHUANA SAFETY
46 COMPLIANCE FACILITY" MEANS A COMMERCIAL ENTITY THAT IS LICENSED BY

1 THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE
2 CITY, THAT RECEIVES MARIHUANA FROM A MEDICAL MARIHUANA
3 ESTABLISHMENT OR A REGISTERED QUALIFYING PATIENT OR A REGISTERED
4 PRIMARY CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR
5 TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANCE
6 WITH STATE LAW.

7
8 "SECURE TRANSPORTER" MEANS A COMMERCIAL ENTITY THAT IS LICENSED
9 BY THE STATE (TO THE EXTENT THAT ONE IS REQUIRED) AND HAS A LICENSE
10 FROM THE CITY, THAT IS A COMMERCIAL ENTITY LOCATED IN THIS CITY THAT
11 STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN MEDICAL
12 MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE LAW.

13
14 "STAKEHOLDER" MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES,
15 WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR
16 MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-
17 PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO
18 A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH
19 GENERAL AND LIMITED.

20
21 "STATE" MEANS THE STATE OF MICHIGAN.

22
23 "RESTRICTED/LIMITED ACCESS AREA" MEANS, A BUILDING, ROOM OR OTHER
24 AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE
25 MMMA OR OTHER APPLICABLE STATE LAW.

26
27 (G) ANY TERM DEFINED BY THE MMMA AND NOT DEFINED IN THIS CHAPTER
28 SHALL HAVE THE DEFINITION GIVEN IN THE MMMA.

29 **1300.3 – ESTABLISHMENT OF MEDICAL MARIHUANA COMMISSION;**
30 **MEMBERSHIP; CHAIRPERSON; MEETINGS.**

31
32 (A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE
33 COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS, WHO SHALL BE APPOINTED
34 BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL SERVE FOR
35 TERMS OF OFFICE OF THREE (3) YEARS, EXCEPT FOR THE INITIAL
36 APPOINTMENTS TO THE COMMISSION, ONE MEMBER SHALL SERVE FOR A TERM
37 OF ONE (1) YEAR AND ONE MEMBER SHALL SERVE FOR A TERM OF TWO (2)
38 YEARS.

39
40 (B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:

41
42 (1) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND
43 EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION;

44
45 (2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING
46 MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;

1
2 (3) THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT (OR
3 A DESIGNEE).
4

5 (4) TWO (2) MEMBERS FROM THE GENERAL POPULATION OF THE CITY.
6

7 (C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY
8 BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE
9 COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE
10 OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL
11 ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS
12 PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE OF
13 EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE
14 COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN
15 MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A
16 RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF THREE (3)
17 MEMBERS SHALL CONSTITUTE A QUORUM.
18

19 (D) EXCEPT FOR THE DIRECTOR OF PLANNING AND NEIGHBORHOOD
20 DEVELOPMENT, NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY
21 OTHER PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF
22 GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN
23 PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT
24 FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.
25

26 (E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE
27 FORWARDED TO IT UNDER THIS CHAPTER. A LICENSE SHALL NOT BE ISSUED
28 UNTIL THE COMMISSION HAS ACTED ON THE APPLICATION BY ISSUING A
29 CERTIFICATE OF APPROVAL BY MAJORITY VOTE OF THE COMMISSION.
30

31 (F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE CITY
32 COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS RELATED TO THIS
33 CHAPTER FOR COUNCIL APPROVAL.
34

35 (G) THE CHIEF OF POLICE (OR A DESIGNEE) AND THE CHIEF OF THE FIRE
36 DEPARTMENT (OR A DESIGNEE) SHALL ALSO SERVE THE COMMISSION IN AN EX
37 OFFICIO NON-VOTING CAPACITY.
38
39
40
41
42
43
44
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46

1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.

- (a) EVERY MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(b), NO PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE FOR THE MEDICAL MARIHUANA ESTABLISHMENT FROM THE CITY CLERK.
- (b) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE CITY'S MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE 1202) MAY CONTINUE TO OPERATE DURING THE APPLICATION SUBMISSION AND REVIEW PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, ONLY SO LONG AS IT SUBMITS ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER AND ONLY SO LONG AS IT HAS NOT BEEN NOTIFIED BY THE CITY CLERK THAT IT WOULD NOT BE RECEIVING A LICENSE OR THAT ITS APPLICATION WOULD NOT BE SUBMITTED TO THE COMMISSION FOR CONSIDERATION. ONCE A MEDICAL MARIHUANA ESTABLISHMENT IS NOTIFIED BY THE CITY CLERK THAT IT WILL NOT RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE SUBMITTED TO THE COMMISSION FOR CONSIDERATION, THE MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN 30 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.
- (c) THE CITY CLERK SHALL ISSUE A NEW LICENSE FOR A MEDICAL MARIHUANA ESTABLISHMENT ONLY AFTER THE COMMISSON HAS ISSUED A CERTIFICATE OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE YEAR.

1300.5 – LICENSE APPLICATION SUBMISSION.

- (a) EVERY MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK SHALL BE CONSIDERED FOR THE ISSUANCE OF A LICENSE.
- (b) AN APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL BE MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE FOLLOWING:
- (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME, DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR MORE PHONE

1 NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION, A COPY OF A
2 GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THE APPLICANT,
3 AND A COPY OF THE APPLICANT'S REGISTRY IDENTIFICATION CARD ISSUED
4 PURSUANT TO THE MMMA;
5

6 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
7 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE
8 NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING
9 DESIGNATION OF A STAKEHOLDER AS AN EMERGENCY CONTACT PERSON
10 AND CONTACT INFORMATION FOR THE EMERGENCY CONTACT PERSON,
11 ARTICLES OF INCORPORATION, INTERNAL REVENUE SERVICE SS-4 EIN
12 CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OF THE
13 APPLICANT, IF A LIMITED LIABILITY COMPANY, AND A COPY OF AT LEAST
14 ONE STAKEHOLDER'S REGISTRY IDENTIFICATION CARD ISSUED PURSUANT
15 TO THE MMMA;
16

17 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
18 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
19 NECESSARY BY THE CITY CLERK;
20

21 (4) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
22 APPLICANT, AND EACH AGENT OR EMPLOYEE OF THE APPLICANT, AN
23 AFFIRMATION THAT HE OR SHE ARE AT LEAST 21 YEAR OF AGE AND HAS NOT
24 BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
25 FELONY;
26

27 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
28 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
29 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
30 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
31 CRITERIA SET FORTH IN THIS ORDINANCE;
32

33 (6) THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
34 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
35 OF THE MEDICAL MARIHUANA ESTABLISHMENT, IF OTHER THAN THE
36 APPLICANT;
37

38 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT
39 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND
40 IF REVOKED OR SUSPENDED, THEN THE REASON THEREFORE;
41

42 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
43 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
44 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
45 INDUSTRY;
46

1 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
2 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS
3 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH
4 IN THE MICHIGAN MEDICAL MARIHUANA ACT;

5
6 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
7 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;

8
9 (11) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
10 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

11
12 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
13 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF
14 EACH PERSON OR ENTITY; AND

15
16 (II) A CURRENT ORGANIZATION CHART THAT INCLUDES
17 POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON
18 HOLDING EACH POSITION.

19
20 (12) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE
21 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE
22 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE
23 OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS
24 CHAPTER ALONG WITH A COPY OF THE LEASE FOR THE PREMISES;

25
26 (13) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL
27 MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY
28 LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR
29 SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT
30 AND PREMISES. THE SECURITY MUST CONTAIN THE SPECIFICATION DETAILS
31 OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL MARIHUANA
32 ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT DURING
33 BUSINESS HOURS;

34
35 (14) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS
36 WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH
37 THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING
38 ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING
39 SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;

40
41 (15) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON
42 THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;

43
44 (16) A LOCATION AREA MAP OF THE MEDICAL MARIHUANA
45 ESTABLISHMENT AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE
46 LOCATIONS AND THE DISTANCES (CLOSEST PROPERTY LINE TO THE SUBJECT

1 ESTABLISHMENT'S PROPERTY LINE) TO THE SUBJECT MEDICAL MARIHUANA
2 ESTABLISHMENT TO THE CLOSEST REAL PROPERTY COMPRISING A PUBLIC
3 OR PRIVATE ELEMENTARY, VOCATIONAL OR SECONDARY SCHOOL; OR
4 ANOTHER LICENSED MEDICAL MARIHUANA ESTABLISHMENT;

5
6 (17) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY
7 MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING
8 HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY
9 MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY
10 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS
11 PROHIBITED;

12
13 (18) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK
14 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL
15 MONITOR INVENTORY;

16
17 (19) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,
18 INCLUDING MOLD AND PESTICIDES;

19
20 (20) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
21 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.
22 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT
23 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,
24 FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;

25
26 (21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS,
27 SHOWING THAT THE APPLICANT HAS LIQUID FUNDS IN THE APPLICANT'S
28 NAME IN THE AMOUNT NEEDED TO COMPLETE THE MEDICAL MARIHUANA
29 ESTABLISHMENT, BUT IN NO EVENT, LESS THAN FIFTY THOUSAND (\$50,000)
30 DOLLARS IN IMMEDIATELY AVAILABLE FUNDS;

31
32 (22) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
33 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
34 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH
35 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE
36 MEDICAL MARIHUANA ESTABLISHMENT; AND

37
38 (23) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE
39 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:

40
41 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A
42 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED, INCLUDING
43 PLANS FOR THE GROWING MEDIUMS, TREATMENTS, AND / OR ADDITIVES;

44
45 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A
46 DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING

1 WILL BE SELECTED, WHAT TYPE OF TESTING WILL BE REQUESTED, AND
2 HOW THE TEST RESULTS WILL BE USED;

3
4 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
5 CONFORMANCE WITH THE MMMA OR OTHER APPLICABLE STATE LAW;
6

7 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE
8 NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND
9 HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE
10 ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED
11 PESTICIDES;
12

13 (V) ALL CULTIVATION MUST BE PERFORMED INDOORS OR IN AN
14 ENCLOSED GREENHOUSE.
15

16 (24) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.
17

18 (C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A FIVE THOUSAND
19 (\$5,000) LICENSE APPLICATION FEE. SHOULD THE APPLICANT NOT RECEIVE A
20 LICENSE, TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS OF THE
21 APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND
22 A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE TEN THOUSAND (\$10,000)
23 DOLLARS. THE APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO
24 DEFRAY THE COSTS OF ADMINISTRATION OF THIS CHAPTER.
25
26

27 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
28 REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE
29 APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION
30 TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,
31 THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE CITY
32 TREASURER.
33

34 (E) NO APPLICATION SHALL BE SUBMITTED TO THE MEDICAL
35 MARIHUANA COMMISSION UNLESS:
36

37 (i) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
38 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL
39 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT;
40

41 (II) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE
42 PROPOSED LOCATION COMPLIES WITH THE ZONING CODE;
43

44 (ii) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
45 EACH STAKEHOLDER OF THE APPLICANT ARE NOT IN DEFAULT TO
46 THE CITY.

1
2 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT
3 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL REFER A COPY OF THE
4 APPLICATION TO THE COMMISSION FOR ITS CONSIDERATION.
5

6 **1300.6 – APPLICATION EVALUATION.**
7

8 (a) THE COMMISSION WILL ASSESS ALL APPLICATIONS REFERRED TO IT BY
9 THE CITY CLERK PURSUANT TO SECTION 1300.5.
10

11 (b) IN ITS APPLICATION DELIBERATIONS, THE COMMISSION SHALL ASSESS
12 EACH APPLICATION IN EACH OF THE FOLLOWING CATEGORIES:
13

14 (1) WHETHER THE PROPOSED ESTABLISHMENT IS SUITABLE FOR SAFE
15 PUBLIC ACCESS AND HAS SUFFICIENT AND CONVENIENT PARKING
16 SPACES AVAILABLE IN CLOSE PROXIMITY TO THE PROPOSED
17 ESTABLISHMENT;
18

19 (2) WHETHER THE PROPOSED ESTABLISHMENT HAS CONVENIENT
20 HANDICAPPED-ACCESSIBLE PARKING SPACES AND WAYS OF
21 INGRESS AND EGRESS THAT ARE CONSISTENT WITH THE
22 AMERICANS WITH DISABILITIES ACT;
23

24 (3) WHETHER THE LAYOUT OF THE PROPOSED ESTABLISHMENT
25 PROMOTES THE SAFE HANDLING OF MARIHUANA;
26

27 (4) WHETHER THE PROPOSED ESTABLISHMENT'S SECURITY AND
28 RECORDKEEPING PLANS WILL HELP PREVENT THE THEFT OR
29 DIVERSION OF MARIHUANA, AND PROMOTE THE SAFE STORAGE OF
30 MARIHUANA AND CURRENCY;
31

32 (5) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE THE
33 BUSINESS EXPERIENCE TO SUCCESSFULLY MANAGE THE PROPOSED
34 ESTABLISHMENT;
35

36 (6) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE SUFFICIENT
37 LIQUID ASSETS AND EQUITY COMMITMENTS TO ENSURE FINANCIAL
38 STABILITY AND CAN DEMONSTRATE THE IMMEDIATE AND LONG-
39 TERM FINANCIAL HEALTH AND RESOURCES OF THE MEDICAL
40 MARIHUANA ESTABLISHMENT;
41

42 (7) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES
43 HAVE EXPERIENCE IN THE MEDICAL MARIHUANA INDUSTRY;
44

- (8) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE A DEMONSTRATED KNOWLEDGE OF VARIOUS MARIHUANA STRAINS OR VARIETIES;
- (9) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;
- (10) WHETHER THE APPLICANT WILL PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL WORKING ENVIRONMENT; AND
- (11) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ARE PERSONS OF GOOD CHARACTER, HONESTY, AND INTEGRITY WHO DO NOT DISCREDIT OR TEND TO DISCREDIT PUBLIC CONFIDENCE AND TRUST IN THE MEDICAL MARIHUANA INDUSTRY, OR POSE A THREAT TO THE PUBLIC HEALTH, SECURITY, SAFETY, MORALS, GOOD ORDER, OR GENERAL WELFARE.
- (12) IF THE COMMISSION ISSUES A CERTIFICATE OF APPROVAL TO AN APPLICANT, THE CITY CLERK SHALL ISSUE AN INITIAL LICENSE TO THAT APPLICANT WITHIN TEN (10) BUSINESS DAYS.
- (13) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST ENTITLING AN APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN APPLICATION OR WITH REGARD TO ANY SCORING DECISION.

1300.7 – LICENSE RENEWAL APPLICATION.

(A) APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE IN WRITING TO THE CITY CLERK AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF AN EXISTING LICENSE.

(B) AN APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS CHAPTER SHALL BE MADE UNDER OATH ON A FORM PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(b).

(C) AN APPLICATION SHALL BE ACCOMPANIED BY A TEN THOUSAND (\$10,000) DOLLARS LICENSE RENEWAL FEE OF WHICH FIVE THOUSAND (\$5,000)

1 DOLLARS WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE
2 RENEWAL FEE IS ESTABLISHED TO DEFRAY THE COSTS OF THE
3 ADMINISTRATION OF THIS CHAPTER.

4
5 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
6 REQUIREMENTS OF THIS CHAPTER AND THE LICENSE RENEWAL FEE, THE CITY
7 CLERK SHALL REFER A COPY OF THE RENEWAL APPLICATION TO EACH OF THE
8 FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING
9 SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER.

10
11 (E) NO RENEWAL APPLICATION SHALL BE APPROVED UNLESS:

12
13 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
14 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL
15 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN
16 THE PAST CALENDAR YEAR;

17
18 (2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED
19 LOCATION CURRENTLY COMPLIES WITH THE ZONING CODE AND THIS
20 CHAPTER;

21
22 (3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND
23 EACH STAKEHOLDER OF THE APPLICANT ARE NOT CURRENTLY IN
24 DEFAULT TO THE CITY.

25
26 (F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT
27 IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A LICENSE
28 RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED, HALF OF THE
29 APPLICATION FEE (\$5,000) SHALL BE RETURNED.

30
31 **1300.8 – LICENSES GENERALLY.**

32
33 (a) TO THE EXTENT PERMISSIBLE, ALL INFORMATION SUBMITTED IN
34 CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR LICENSE
35 RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND EXEMPT
36 FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF INFORMATION
37 ACT, 1976 PA 442, MCL 15.231 ET SEQ.

38
39 (b) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A
40 DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL OF THE CITY
41 CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE
42 LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY
43 CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE
44 PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST,
45 THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO
46 EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,

1 THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE
2 CITY TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS
3 EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL
4 THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE
5 STANDARDS IDENTIFIED IN 1300.5(E).
6

7 (c) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A
8 DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL
9 BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
10 LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST
11 MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE
12 CURRENT LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE
13 WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE
14 WRITTEN REQUEST TO THE POLICE DEPARTMENT AND TO THE CITY
15 TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS THE
16 CITY TREASURER HAS CONFIRMED THAT THE PROPOSED LICENSEE AND
17 EACH STAKEHOLDER OF THE PROPOSED LICENSEE ARE NOT IN DEFAULT
18 TO THE CITY, AND THE POLICE DEPARTMENT HAS CONFIRMED THAT THE
19 PROPOSED LICENSEE AND EACH STAKEHOLDER OF THE PROPOSED
20 LICENSEE HAVE NOT BEEN CONVICTED OF A DISQUALIFYING FELONY.
21

22 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION
23 REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10) BUSINESS
24 DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN SUSPENSION OR
25 REVOCATION OF THE LICENSE.
26

27 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
28 **PROVISIONING CENTER.**
29

30 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED
31 IN A BUILDING.
32

33 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN
34 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;
35

36 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES
37 OF A MEDICAL MARIHUANA PROVISIONING CENTER, AND A SIGN SHALL BE
38 POSTED ON THE PREMISES OF EACH MEDICAL MARIHUANA PROVISIONING
39 CENTER INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;
40

41 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY
42 MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH
43 SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO
44 RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A
45 PERIOD OF 14 DAYS;
46

1 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE
2 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM
3 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A
4 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL
5 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN
6 AREA ACCESSIBLE TO THE GENERAL PUBLIC;

7
8 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL
9 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY
10 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY
11 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
12 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
13 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
14 AREA ONLY IF PERMITTED BY THE MMMA;

15
16 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
17 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
18 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
19 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

20
21 (H) DRIVE-THROUGH WINDOW ON THE PREMISES OF A MEDICAL MARIHUANA
22 PROVISIONING CENTER SHALL NOT BE PERMITTED;

23
24 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
25 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
26 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
27 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED;

28
29 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
30 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
31 CENTER;

32
33 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A
34 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT
35 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;

36
37 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
38 PACKAGED AND LABELED AS PROVIDED BY STATE LAW.

39
40 (M) ALL REGISTERED PATIENTS MUST PRESENT BOTH THEIR MICHIGAN
41 MEDICAL MARIHUANA PATIENT/CAREGIVER ID CARD AND STATE
42 IDENTIFICATION PRIOR TO ENTERING RESTRICTED/LIMITED AREAS OR NON-
43 PUBLIC AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER, AND IF
44 NO RESTRICTED/LIMITED AREA IS REQUIRED, THEN PROMPTLY UPON ENTERING
45 THE MEDICAL MARIHUANA PROVISIONING CENTER.

1 (N) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
2 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON
3 THE PREMISES.

4
5 (O) IT SHALL BE PROHIBITED TO DISPLAY ANY SIGNS THAT ARE
6 INCONSISTENT WITH LOCAL LAWS OR REGULATIONS OR STATE LAW.

7
8 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS
9 MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO
10 MINORS.

11
12 (Q) IT SHALL BE PROHIBITED TO USE THE SYMBOL OR IMAGE OF A
13 MARIHUANA LEAF IN ANY EXTERIOR BUILDING SIGNAGE.

14
15 (R) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL
16 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN
17 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY
18 MEDIUM:

19
20 (1) WITHIN ONE THOUSAND (1,000) FEET OF THE REAL PROPERTY
21 COMPRISING AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR
22 SECONDARY SCHOOL;

23
24 (2) WITHIN ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO
25 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-
26 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED
27 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR
28 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973
29 PA 116, MCL 722.11 ET SEQ...

30
31 (S) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A
32 MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL
33 CANNABINOID TESTING RESULT, AND A PASS/FAIL RATING BASED ON THE
34 CERTIFIED LABORATORY'S MICROBIOLOGICAL, MYCOTOXINS, AND PESTICIDE
35 AND SOLVENT RESIDUE ANALYSES MUST BE AVAILABLE TO ALL MEDICAL
36 MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON REQUEST.

37
38 **1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
39 **GROWER FACILITY.**

40
41 (A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA
42 GROWER FACILITIES SHALL APPLY:

43
44 (1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL
45 TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL
46 MARIHUANA ACT AND THE GENERAL RULES OF THE DEPARTMENT OF

1 LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM
2 TIME TO TIME;

3
4 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE
5 PROHIBITED AT THE CULTIVATION FACILITY;

6
7 (3) ALL ACTIVITY RELATED TO THE CULTIVATION FACILITY SHALL BE
8 DONE INDOORS OR IN AN ENCLOSED GREENHOUSE;

9
10 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
11 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
12 ON THE PREMISES;

13
14 (5) ANY MEDICAL MARIHUANA GROWER FACILITY SHALL MAINTAIN A
15 LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF
16 MEDICAL MARIHUANA AND THE NUMBER OF MEDICAL MARIHUANA PLANTS
17 ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED
18 UNDER THE GROWER LICENSE ISSUED BY THE STATE OF MICHIGAN. THIS LOG
19 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM
20 THAT THE MEDICAL MARIHUANA GROWER DOES NOT HAVE MORE MEDICAL
21 MARIHUANA THAN AUTHORIZED AT THE LOCATION AND SHALL NOT BE
22 USED TO DISCLOSE MORE INFORMATION THAN IS REASONABLY NECESSARY
23 TO VERIFY THE LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE
24 FACILITY;

25
26
27 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
28 BUILDING OR GREENHOUSE IN A LOCKED FACILITY IN ACCORDANCE WITH
29 THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;

30
31 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
32 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
33 WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING DEVICES THAT
34 SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF MARIHUANA ARE
35 LOCATED;

36
37 (8) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY
38 CHEMICALS SUCH AS HERBICIDES, PESTICIDES, AND FERTILIZERS SHALL BE
39 SUBJECT TO INSPECTION AND APPROVAL BY THE LANSING FIRE
40 DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN FIRE
41 PROTECTION CODE;

42
43 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
44 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

1 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
2 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
3 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT
4 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
5 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;
6

7 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
8 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
9 INCLUDING BUT NOT LIMITED TO:

10 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
11

12 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
13 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
14 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
15

16 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
17 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
18 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
19 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
20 CONDITION IS CORRECTED.
21

22 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
23 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
24 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
25 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
26

27 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
28 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
29 IN GOOD REPAIR;
30

31 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
32 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
33 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
34 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
35 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
36 FOR PESTS;
37

38 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
39 MAINTAINED IN A SANITARY CONDITION;
40

41 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
42 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
43 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
44
45

1 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
2 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
3 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
4

5 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
6 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
7

8 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
9 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
10 HUMAN CONSUMPTION.
11

12 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
13 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.
14

15 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
16 **SAFETY COMPLIANCE FACILITY.**
17

18 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE
19 FACILITIES SHALL APPLY:
20

21 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES
22 AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA
23 ACT AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND
24 REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;
25

26 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE
27 PROHIBITED AT THE FACILITY;
28

29 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
30 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
31 ON THE PREMISES;
32

33 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK
34 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL
35 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.
36 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING
37 PATIENTS IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT,
38 AS AMENDED;
39

40 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
41 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE
42 MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;
43

44 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE
45 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL
46 MARIHUANA;

1
2 (7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
3 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;
4

5 (8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
6 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
7 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
8 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
9

10 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
11 MANNER THAT THEY MAY ADEQUATELY CLEANED AND KEPT CLEAN AND IN
12 GOOD REPAIR;
13

14 (10) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
15 MAINTAINED IN A SANITARY CONDITION;
16

17 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
18 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
19 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
20

21 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
22 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.
23

24 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
25 **PROCESSOR FACILITY.**
26

27 (A) THE FOLLOWING MINIMUM STANDARDS FOR PROCESSOR SHALL APPLY:
28

29 (1) THE PROCESSOR SHALL COMPLY AT ALL TIMES AND IN ALL
30 CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT AND THE
31 GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY
32 AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;
33

34 (2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE
35 PROHIBITED AT THE CULTIVATION FACILITY;
36

37 (3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE
38 PERFORMED INDOORS;
39

40 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION UPON PROBABLE
41 CAUSE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, DURING THE
42 STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS
43 PRESENT ON THE PREMISES;
44

45 (5) ANY PROCESSOR FACILITY SHALL MAINTAIN A LOG BOOK AND/OR
46 DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA

1 ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED
2 UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE OF MICHIGAN, TO
3 THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG SHALL BE
4 AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE
5 PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
6 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
7 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
8 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

9
10 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE
11 IDENTIFICATION.

12
13 (7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
14 BUILDING OR GREENHOUSE IN A LOCKED FACILITY IN ACCORDANCE WITH
15 THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;

16
17 (8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
18 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
19 WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING
20 OF MARIHUANA ARE LOCATED;

21
22 (9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY
23 CHEMICALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE
24 LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN
25 FIRE PROTECTION CODE;

26
27 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
28 MARIHUANA PROCESSOR FACILITY SHALL BE PROHIBITED;

29
30 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
31 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH PROCESSING.
32 MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN
33 SUITES SEGREGATED FROM THE PROCESSOR FACILITY;

34
35 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
36 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
37 INCLUDING BUT NOT LIMITED TO:

38
39 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

40
41 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
42 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
43 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

44
45 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
46 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN

1 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
2 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
3 CONDITION IS CORRECTED.
4

5 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
6 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
7 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
8 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
9

10 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
11 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
12 IN GOOD REPAIR;
13

14 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
15 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
16 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
17 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
18 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
19 FOR PESTS;
20

21 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
22 MAINTAINED IN A SANITARY CONDITION;
23

24 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE
25 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET
26 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD
27 REPAIR;
28

29 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
30 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
31 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
32

33 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY
34 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
35

36 (20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN
37 USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.
38

39 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
40 PROCESSOR FACILITY SHALL BE PROHIBITED.
41
42
43

44 **1300.13 - LOCATION OF A MEDICAL MARIJUANA PROVISIONING CENTER AND**
45 **A MEDICAL MARIHUANA PROCESSOR FACILITY.**
46

1 (A) NO MEDICAL MARIJUANA PROVISIONING CENTER OR MEDICAL
2 MARIHUANA PROCESSOR FACILITY SHALL BE LOCATED WITHIN:

3
4 (1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO
5 PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR
6 SECONDARY SCHOOL; OR

7
8 (2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO
9 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-
10 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED
11 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR
12 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973
13 PA 116, MCL 722.11 ET SEQ..

14
15 (B) MEDICAL MARIHUANA PROVISIONING CENTERS AND PROCESSOR
16 FACILITIES SHALL ONLY BE LOCATED IN ZONING DISTRICTS AS PROVIDED BY
17 THE ZONING PROVISIONS OF THE LANSING CODIFIED ORDINANCES.

18
19 **1300.14 - LOCATION OF A MEDICAL MARIHUANA SAFETY COMPLIANCE**
20 **FACILITY AND A MEDICAL MARIHUANA GROWER FACILITY.**

21
22 (A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND
23 GROWER FACILITIES SHALL BE LOCATED WITHIN

24
25 (1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO
26 PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR
27 SECONDARY SCHOOL; OR

28
29 (2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO
30 PROPERTY LINE, OF A COMMERCIAL CHILD CARE ORGANIZATION (NON-
31 HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED
32 WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR
33 ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973
34 PA 116, MCL 722.11 ET SEQ..

35
36 (B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND
37 GROWER FACILITIES OTHER THAN MEDICAL MARIJUANA PROVISIONING
38 CENTERS SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO
39 THE H-LIGHT INDUSTRIAL OR I-HEAVY INDUSTRIAL ZONING DISTRICTS AS
40 IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

41
42
43 **1300.15 - DENIAL AND REVOCATION.**

44
45 (A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN
46 ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY

1 GROUND FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE
2 TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST
3 BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE
4 HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE
5 APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);
6

7 (B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE
8 DENIED OR REVOKED ON ANY OF THE FOLLOWING BASIS:
9

10 (1) VIOLATION OF THIS CHAPTER;
11

12 (2) ANY CONVICTION OF A DISQUALIFYING FELONY;
13

14 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF
15 A FALSE STATEMENT BY THE APPLICANT OR ANY STAKEHOLDER OF THE
16 APPLICANT WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER
17 REQUIRES A LICENSE;
18

19 (4) SUFFICIENT EVIDENCE THAT THE APPLICANT(S) LACK, OR HAVE
20 FAILED TO DEMONSTRATE, THE REQUISITE PROFESSIONALISM AND/OR
21 BUSINESS EXPERIENCE REQUIRED TO ASSURE STRICT ADHERENCE TO THIS
22 CHAPTER AND THE RULES AND REGULATIONS GOVERNING THE MEDICAL
23 MARIHUANA PROGRAM IN THE STATE OF MICHIGAN;
24

25 (5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE
26 CITY TO HAVE BECOME A PUBLIC NUISANCE.
27

28 **1300.16 - PENALTIES.**

29

30 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A
31 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY
32 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR
33 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED
34 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE
35 REVOCATION;
36

37 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL
38 BE SUBJECT TO A CIVIL FINE AND COSTS, INCREASED CIVIL FINES MAY BE
39 IMPOSED FOR A REPEATED VIOLATION. AS USED IN THIS SECTION "REPEAT
40 VIOLATION" SHALL MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE
41 SAME REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR
42 ESTABLISHMENT WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE
43 SPECIFICALLY PROVIDED IN THIS CHAPTER OR ANY OTHER CHAPTER FOR A
44 MUNICIPAL INFRACTION, THE PENALTY SCHEDULE IS AS FOLLOWS:
45

46 1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;

2. \$750 PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT CONTINUES FOR MORE THAN ONE DAY.

(C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS OTHERWISE SPECIFIED IN THE ORDER;

(D) THE CITY CLERK MAY TEMPORARILY SUSPEND A MEDICAL MARIHUANA FACILITY LICENSE WITHOUT A PRIOR HEARING IF THE CITY CLERK FINDS THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION AFFECTING THE PUBLIC HEALTH, SAFETY, OR WELFARE. THE CITY CLERK SHALL CAUSE THE TEMPORARY SUSPENSION BY ISSUING A SUSPENSION NOTICE IN CONNECTION WITH INSTITUTION OF PROCEEDINGS FOR NOTICE AND A HEARING;

(E) IF THE CITY CLERK TEMPORARILY SUSPENDS A LICENSE WITHOUT A PRIOR HEARING, THE LICENSEE IS ENTITLED TO A HEARING WITHIN THIRTY (30) DAYS AFTER THE SUSPENSION NOTICE HAS BEEN ISSUED. THE HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE;

(F) IF THE CITY CLERK DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS AFTER THE DATE OF SUSPENSION WAS ISSUED, THEN THE SUSPENDED LICENSE SHALL BE AUTOMATICALLY REINSTATED AND THE SUSPENSION VACATED.

(G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED TO FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE AVAILABLE TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL PROSECUTION.

1300.17 -NO VESTED RIGHTS

A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NONCONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT OF THIS CHAPTER.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no effect.

1 Section 3. Should any section, clause or phrase of this Ordinance be declared to be invalid, the
2 same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part
3 declared to be invalid.

4 Section 4. This Ordinance shall take effect on the 30th day after enactment unless given
5 immediate effect by the City Council.